

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

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LORA ANNE ZIMMER, *

Petitioner, *

v. *

SECRETARY OF HEALTH
AND HUMAN SERVICES, *

Respondent. *

* * * * *

No. 13-423V

Special Master Christian J. Moran

Filed: June 12, 2014

Attorneys' fees and costs;
stipulation of fact; award in
the amount to which respondent
does not object

Mark T. Sadaka, Sadaka & Associates, Englewood, NJ, for Petitioner;
Alexis Babcock, U.S. Department of Justice, Washington, DC, for Respondent.

UNPUBLISHED DECISION ON FEES AND COSTS¹

Petitioner, Lora Anne Zimmer, filed a motion for final attorneys' fees and costs in the above-captioned matter on June 4, 2014. Petitioner stated that her motion is unopposed by respondent. The Court awards the requested amount.²

Ms. Zimmer filed a petition for compensation alleging that the flu vaccination she received on November 17, 2010, caused her to suffer allergic reaction resulting in bilateral upper extremity swelling, paresthesias, and arthritis. Ms. Zimmer received compensation based upon the parties' stipulation. Decision, filed May 2, 2014. Because Ms. Zimmer received compensation, she is entitled to an award of attorneys' fees and costs. 42 U.S.C. § 300aa-15(e).

¹ The E-Government Act of 2002, Pub. L. No. 107-347, 116 Stat. 2899, 2913 (Dec. 17, 2002), requires that the Court post this decision on its website. Pursuant to Vaccine Rule 18(b), the parties have 14 days to file a motion proposing redaction of medical information or other information described in 42 U.S.C. § 300aa-12(d)(4). Any redactions ordered by the special master will appear in the document posted on the website.

² Petitioner's motion requested an erroneous total amount of \$15,155.49 for attorneys' fees and costs, but that total should have been \$15,200.49.

Ms. Zimmer seeks a total of **\$14,505.50** in attorneys' fees and costs for her counsel. Additionally, in compliance with General Order No. 9, Ms. Zimmer states that she incurred **\$694.99** out-of-pocket litigation expenses while pursuing this claim.

After reviewing the request, the court awards the following:

1. A lump sum of **\$14,505.50** in the form of a check payable to petitioner's attorney, Mark T. Sadaka, and petitioner, Lora Anne Zimmer, for attorney's fees and costs available under 42 U.S.C. § 300aa-15(e).
2. A lump sum of **\$694.99** in the form of a check payable to petitioner, , Lora Anne Zimmer.

The Court thanks the parties for their cooperative efforts in resolving this matter.

The Clerk shall enter judgment accordingly.³

IT IS SO ORDERED.

s/Christian J. Moran
Christian J. Moran
Special Master

³ Pursuant to Vaccine Rule 11(a), the parties can expedite entry of judgment by each party filing a notice renouncing the right to seek review by a United States Court of Federal Claims judge.